

## APPENDIX

### JURISDICTION:

General Reference:

### UNIFORM VEHICLE CODE (UVC)

This appendix summarizes the UVC's provisions related to speed.

The UVC as revised by the National Committee on Uniform Traffic Laws and Ordinances in 1992

### Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. ' 11-801

Statutory Speed Limit:

55 MPH in locations other than urban districts ' 11-802

See Other below.

35 MPH in urban districts ' 11-802

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on the State highway system.<sup>1</sup> ' 11-803

II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under their jurisdiction.<sup>2</sup> ' 11-804(a) & (b)

III. Based on an investigation, the State or a local government may establish maximum safe speed limits for any bridge or elevated structure under their jurisdiction. ' 11-807(b) & (c)

Minimum Speed Rule:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. ' 11-805(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. ' 11-301(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits on the highways under their jurisdiction. ' 11-805(b)

Other:

No person shall tow a house trailer >45 MPH. ' 11-807(a)

### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. ' 17-101(a)

Other:

### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

1st Offense-**None** 2nd Offense (within 1 year)-**None** 3rd or Subsequent Offense (within 1 year)-Not more than **6 months** ' 17-101(b)

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<sup>1</sup>The UVC also provides that the State may establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. ' 11-803

<sup>2</sup>However, a local government can neither (1) increase the maximum speed limit within an urban district to more than 55 MPH nor decrease the maximum speed limit outside of an urban district to less than 35 MPH. ' 11-804(a)(2) & (3) In addition, any alteration of speed limits on State highways or extensions thereof by a local government must be **approved** by the State. ' 11-804(d)

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Mandatory Minimum Term:	<b>None</b> <sup>3</sup>
Fine:	
Amount (\$ Range):	<u>1st Offense</u> -Not more than <b>\$200</b> <u>2nd Offense</u> (within 1 year)-Not more than <b>\$300</b> <u>3rd or Subsequent Offense</u> (within 1 year)-Not more than <b>\$500</b> ' 17-101(b)
Mandatory Min. Fine (\$):	<b>None</b> <sup>3</sup>
Other Penalties:	
Traffic School:	The court may order an offender to complete a course in driver improvement. ' 17-103(a)(3)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> -Based on a Point System Promulgated by Regulations <sup>4</sup> ' 6-211(a)(2) & (b)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year</b> ' 6-216(a)
Mandatory Minimum Term of Withdrawal:	Possible under a point system
Miscellaneous Sanctions	
Not Included Elsewhere:	
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway:</u>	Misdemeanor ' ' 11-809 & 17-101(a)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st Offense</u> - <b>None</b> <u>2nd Offense</u> (within 1 year)- <b>None</b> <u>3rd or Subsequent Offense</u> (within 1 year)-Not more than <b>6 months</b> ' ' 11-809(d) & 17-101(b)
Mandatory Minimum Term:	<b>None</b> <sup>3</sup>
<u>Other Criminal Actions Related to Speeding:</u> (continued)	

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<sup>3</sup>Unless the UVC specifically provides for a mandatory sanction, the court has the authority to suspend all or part of a fine or incarceration sentence. ' 17-103(c)

<sup>4</sup>The UVC does not specifically provide for a point system. It only authorizes the State licensing agency to adopt such a system via regulations. ' 6-211(b) However, in a footnote to ' 6-211, the National Committee on Uniform Traffic Laws and Ordinances recommends that the following point system be promulgated by the States. A person's license would be suspended if they accumulated 12 points within a 12 month period or 18 or more points within a 24 month period. A person convicted of either reckless driving or for driving 20 MPH over the speed limit would be assessed 6 points. A person convicted for relatively serious traffic offenses would be assessed 4 points and 3 points would be assessed for convictions of minor violations.

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### Racing on Highway: (continued)

Fine (\$ Range):

1st Offense-Not more than **\$200** 2nd Offense (within 1 year)-Not more than **\$300** 3rd or Subsequent Offense (within 1 year)-Not more than **\$500** ' ' 11-809(d) & 17-101(b)

Mandatory Minimum Fine:

**None**<sup>3</sup>

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension** ' 6-211(a)(8) Suspension is also possible via the point system<sup>4</sup> ' 6-211(b)

Length of Term of

Licensing Withdrawal:

Not more than **1 year** ' 6-216(a)

Mandatory Action--Minimum

Length of License

Withdrawal:

Possible under a point system

Other:

I. The court may order an offender to complete a course in driver improvement. ' 17-103(a)(3)  
II. A defendant may have their vehicle(s) registration(s) suspended. Note: The UVC does not specify a length of time for such suspension. ' 17-301(7)

### Reckless Driving:

Sanction:

Misdemeanor ' ' 11-901 & 17-101(a)

Criminal:

Imprisonment (Term):

1st Offense-**5 days to 90 days** 2nd or Subsequent Offense-**10 days to 6 months** ' 11-901(b)

Mandatory Minimum Term  
of Imprisonment:

1st Offense-**5 days**<sup>5</sup> 2nd or Subsequent Offense-**10 days**<sup>5</sup> ' ' 11-901(b) & 17-103(c)

Fine (\$ Range):

1st Offense-**\$25 to \$500** 2nd or Subsequent Offense-**\$50 to \$500** ' 11-901(b)

Mandatory Minimum Fine:

1st Offense-**\$25**<sup>5</sup> 2nd or Subsequent Offense-**\$50**<sup>5</sup> ' ' 11-901(b) & 17-103(c)

Administrative Licensing Actions:

Type of Licensing Action

**Suspension** via the point system<sup>4</sup> ' 6-211(a)(3) & (b)

(Susp/Rev):

Length of Term of License

Not more than **1 year** ' 6-216(a)

Withdrawal Action:

Mandatory Term of License

Possible under a point system

Withdrawal Action:

Other:

The court may order an offender to complete a course in driver improvement. ' 17-103(a)(3)

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<sup>5</sup>**Comment:** The UVC does not specifically state that this sanction is mandatory. However, given the fact that the UVC provides for a minimum sanction, it would seem reasonable to assume that such sanction was intended to be mandatory.

## UNIFORM VEHICLE CODE

### Commercial Motor Vehicle (CMV) Operators<sup>6</sup>:

#### Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"<sup>7</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period. ' 6-514(e)

#### Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** ' 6-514(e)

#### Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** ' 6-514(e)

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<sup>6</sup>A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of  $\geq 26,001$  lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. ' 6-500(6)

<sup>7</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. ' 6-500(17)(a) & (b)